

March 24, 1975

SENATOR KELLY: No, it would be the procedures that are now followed, Senator Fowler, whereby the medical advisory committee to the Department of Motor Vehicles are strictly that. They go through the evidence and go through the whole complaint, or report, whatever it is. Using their medical, ethical ability they make a recommendation that the license should be revoked or should not be revoked. This is forwarded to the Director of Motor Vehicles Department for action.

SENATOR FOWLER: Is the individual involved notified? I mean is there a formal hearing process, or do they just meet on looking over the medical records? How do they act?

SENATOR KELLY: It's my opinion that they're acting professionally and that they are not in contact with the licensed driver. Now that is my understanding and it may be in error. I am well aware that the person involved will certainly have the right of appeal, and this would be back to the medical committee.

SENATOR FOWLER: But his license would be revoked first, then he would have to appeal that?

SENATOR KELLY: Now this is my understanding, correct.

SENATOR FOWLER: Thank you.

PRESIDENT: Senator Dickinson.

SENATOR DICKINSON: Question of Senator Kelly, please.

SENATOR KELLY: Yes.

SENATOR DICKINSON: Could this person, whose license had been revoked by whatever status allows it here, can they then go back to the drivers license examiner, take the written and the driving test, and again qualify themselves for a drivers license? How permanent is this situation?

SENATOR KELLY: Well this is a revocation of the license that is existing. Now I would assume that you certainly could immediately apply for a drivers license.

SENATOR DICKINSON: Well then what's to stop that person from immediately regaining a drivers license?

SENATOR KELLY: Nothing to my knowledge.

SENATOR DICKINSON: What purpose are we accomplishing then?

SENATOR KELLY: What we would be accomplishing is that. . . we'll use a case of an epileptic. When he takes his drivers test he's in good shape and he has absolutely no problem. It's considered medically that at any time a seizure could happen and cause incapacitation that becomes extremely dangerous as the operator of a motor vehicle. Examining this driver at any time would never reveal this incapacitation, until it happened. When it would happen in an automobile, as it does, we have death involved. Examination of the driver for drivers licenses will not reveal this potential incapacitation.